

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED KEETOWAH BAND OF)
CHEROKEE INDIANS IN OKLAHOMA,)
)
)
Plaintiff,)
)
)
v.) **Case No. CIV-06-559-Raw**
)
)
THE UNITED STATES OF AMERICA, et)
al.,)
)
)
Defendants.)

ORDER

Before the court is the motion of the plaintiff to transfer venue, to which defendants have responded in opposition. “The Section 1404(a) transfer motion need not be made by the defendant . . . and there is very substantial authority . . . for the proposition that the motion also may be made by the plaintiff.” 15 Wright, Miller & Cooper, *Federal Practice and Procedure*, §3844 at 29-30 (3d ed. 2007).

The statute affords the district court broad discretion to adjudicate motions to transfer based upon a case-by-case review of convenience and fairness. *Chrysler Credit Corp. v. Country Chrysler, Inc.*, 928 F.2d 1509, 1516 (10th Cir.1991). This court has considered the pertinent factors. *Id.* Of especial prominence in the case at bar, thirty-seven “tribal trust” cases of this type are presently pending before the District of Columbia court. The motion will be granted.

It is the Order of the Court that the motion of the plaintiff to transfer (#38) is hereby GRANTED. This action is hereby transferred to the United States District Court for the District of Columbia pursuant to 28 U.S.C. §1404(a).

ORDERED THIS 19th DAY OF JUNE, 2008.

Dated this 19th Day of June 2008.

J4h4i0



Ronald A. White
United States District Judge
Eastern District of Oklahoma